

Order

**Michigan Supreme Court
Lansing, Michigan**

October 12, 2007

Clifford W. Taylor,
Chief Justice

133686

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

RAQUEL RODRIGUEZ,
Plaintiff-Appellee,
and

PACIFIC EMPLOYERS INSURANCE,
Intervening Plaintiff-Appellee,
v

SC: 133686
COA: 263930
Wayne CC: 02-231906-CZ

A.S.E. INDUSTRIES, INC.,
Defendant,
Cross-Plaintiff-Appellant,
and

AMERICAN AXLE & MANUFACTURING
HOLDINGS, INC., and AMERICAN AXLE &
MANUFACTURING, INC.,
Defendants, Cross-Defendants,
and

DESIGN SYSTEMS, INC., INNOVATIVE
ENGINEERING, INC., and PMI MANAGEMENT
GROUP, INC.,
Defendants.

On order of the Court, the application for leave to appeal the March 22, 2007 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issues: (1) whether the trial court properly made independent findings in avoidance of the cap on non-economic damages provided for in MCL 600.2946a(1) after the jury had made contrary findings; and (2) if the damages cap applies, whether the trial court properly applied the apportionment of fault between defendant and American Axle before applying the damages cap.

The Clerk of the Court is directed to place this case on the January 2008 session calendar for argument and submission. Appellant's brief and appendix must be filed no

later than November 16, 2007, and appellees' brief and appendix, if appellees choose to submit an appendix, must be filed no later than December 17, 2007.

The Michigan Association of Justice, the Michigan Defense Trial Counsel, Inc., the Michigan Chamber of Commerce, and the Michigan Manufacturers Association are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.

CAVANAGH, J., not participating due to a familial relationship with counsel of record.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 12, 2007

A handwritten signature in cursive script, reading "Corbin R. Davis".

Clerk